

1 David R. Shaub (Cal. SBN 032322)  
2 Lisbeth Bosshart (Cal. SBN 201822)  
3 Stephen D. Morgan (Cal. SBN 239345)  
4 SHAUB & WILLIAMS LLP  
5 12121 Wilshire Boulevard, Suite 205  
Los Angeles, CA 90025-1165  
(310) 826-6678; (310) 826-8042 (fax)

5 Attorneys for Plaintiff, Modavox, Inc.

6

7

8

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 MODAVOX, INC., a Delaware  
12 corporation,

13 Plaintiff,

14 v.

15 YAHOO! INC., a Delaware  
Corporation,

16 Defendant.

CASE NO. C-09-5386-EDL  
(Hon. Charles R. Breyer)

**STIPULATION TO EXTEND THE  
HEARING DATE, AND ALL DATES  
ATTENDANT THERETO,  
REGARDING DEFENDANT'S  
RENEWED MOTION FOR A MORE  
DEFINITE STATEMENT**

17 Filed: November 16, 2009  
Trial: No date set

18 WHEREAS, Defendant Yahoo! Inc. ("Yahoo!") filed its Renewed Motion for A  
19 More Definite Statement under Rule 12(e) on February 26, 2010 ("Motion"),  
20 setting a hearing on said Motion for April 9, 2010; and

21 WHEREAS, counsel for Plaintiff Modavox, Inc. ("Modavox") and Yahoo! have  
22 met and conferred and the parties desire to preserve the resources of the Court and  
23 the parties;

24 WHEREAS, Plaintiff Modavox, Inc. ("Modavox") desires to file an amended  
25 complaint in response to Yahoo!'s Motion, rather than filing an opposition thereto,  
26 and Yahoo! desires that Modavox file such an amended complaint, rather than an  
27 opposition; and

1 WHEREAS, Plaintiff Modavox and Defendant Yahoo! are considering language  
2 for the amended complaint that satisfies Yahoo!'s concerns as raised in its motion,  
3 but need more time to review Plaintiff Modavox's proposed amended complaint in  
4 response to Yahoo's Motion.

6 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
7 and between the undersigned, that:

8 1. The hearing on Yahoo!'s Motion, currently set for April 9, 2010 at 10:00  
9 a.m., shall be extended to April 16, 2010 at 10:00 am.

10 2. The due date for Modavox's opposition, currently due March 19, 2010,  
11 shall be extended to March 26, 2010

12 3. The due date for Yahoo!'s reply, currently due March 26, 2010, shall be  
13 extended to April 2, 2010.

15 Dated: March 17, 2010 MORRISON & FOERSTER LLP  
16

17 By: /s/ Richard S.J. Hung  
18 Richard S.J. Hung

19 Attorneys for Defendant  
20 YAHOO!, INC.

21 Dated: March 17, 2010 SHAUB & WILLIAMS LLP  
22

23 By: /s/ Stephen David Morgan  
24 Stephen David Morgan

25 Attorneys for Plaintiff  
26 MODAVOX, INC.

## ATTESTATION OF E-FILED SIGNATURE

I, Stephen D. Morgan, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that each signatory to this document has concurred to its filing.

Dated: March 17, 2010

By: /s/ Stephen D. Morgan

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 03/19, 2010